

## **Eldorado Springs LID Advisory Committee Minutes**

February 20, 2020

Rocky Mountain Fire District Station 6

The meeting was called to order at approximately 6:40 pm.

**Members Present:** Vija Handley, Ken Sheldon, Kevin Tone (Kevin attending initially via phone)

**Guests:** Gabby Begeman (ORC), David Levin, Janet Robinson and Steven Sangdahl

**Staff:** Pete Salas

### **Approval of Minutes:**

The board considered the minutes of the January 19, 2020 meeting:

**ACTION:** Ken moved to approve the minutes of the January 19, 2020 meeting, as presented; the motion was seconded by Vija, and approved unanimously.

### **Plant Operations:**

Gabby Begeman attended the meeting via phone and presented the ORC operations report to the committee. Gabby mentioned that one of the effluent pumps recently failed, and has been replaced with a spare pump. The pump will be repaired if possible; if not, a new one will need to be purchased. Gabby also indicated that a spare effluent actuator valve has yet to be purchased, and suggested that this be made a priority purchase for the LID. Kevin echoed Gabby's concern regarding the need to have a spare effluent actuator valve. Gabby also reminded the committee that the LID does not have a spare feed pump and stated that there is a need to purchase a new one. Pete indicated that purchase of a spare feed pump is on the LID's list for 2020 capital purchases. Pete also mentioned that the staff has been working with Gabby and the county's purchasing team to properly account for the purchase of the new feed pump that was installed in the facility last fall.

Kevin Tone arrived at this time.

Gabby mentioned that she has been communicating with Peter Spraitz and his plumber, and has shared with them both the video of the sewer line. Gabby has also met with the plumber and the resident. The tenant strongly believes that the problem is simply overusage. Subsequent to the meeting Gabby reviewed the flow data for the Spraitz E-one pump, and the data indicates no other rationale for why the pump is needing to be replaced so regularly, suggesting that the problem is not overusage. Ken noted, as the committee has discussed, that the problem is infiltration into the sewer line from the houses to the pump pit. Gabby stated that the history of pump replacements indicates that there appears to be grit, gravel, sand and/or grime that is wearing out the pumps. Ken reiterated the notion that infiltration into the line is the cause for the pump damage. Gabby indicated that she talked to the plumber and believes that Peter Spraitz and his plumber are being very reasonable about the situation.

Kevin asked David Levin if he has placed a flow meter at the location. David said he had put a flow indicator on the line and that he had just removed it earlier in the day. According to David there is no indication of excess flow at the residence. There was general agreement amongst the committee that there is nothing wrong with the pit and the LID infrastructure, nor is this an issue of overusage. The problem is

infiltration into the sewer line that runs from the houses to the E-one pump pit. The conversation regarding the Spritz property concluded with Gabby informing the committee that she will have the vac truck clean the pit to help determine what other materials are finding their way into the pit.

Pete mentioned to Gabby that he had forwarded her an email from the county Public Works Department regarding road work on Eldorado Springs Drive. Pete's concern is to be sure that there is no conflict with future sludge hauls. Gabby indicated she would take the information into consideration. While on the subject of road work, Gabby mentioned that ORC will no longer be in the locate service business and indicated her preference for the county to enter into an agreement with Diversified Underground, Inc. to provide these services. Pete indicated that he has forwarded the contract information to the Commissioners' Office Business Manager and will follow up.

Vija asked about some current road work that appears to be going on in town. Gabby said that it was the result of a water delivery system leak and that the leak has been located and will be repaired.

As it relates to the plant operations data, Kevin indicated that everything appears to be running smoothly. Gabby agreed that things were running as well as could be expected.

The group asked Gabby for a revised capital replacement list which she agreed to provide.

Kevin revisited the issue of the work at Peter Spraitz's rental units. Kevin referred to the LID's Rules and Regulations indicating that it is clear that the LID has the right to do something relative to the problems with the service line at his property. Pete indicated that Mr. Spraitz has been informed that he could be deemed liable for damage to the District's equipment and could be charged accordingly. Ken suggested that Mr. Spraitz should be given official notice in writing regarding the need to correct the problem. There was general agreement that Mr. Spraitz is liable for costs associated with work to determine the nature of the problem and expense to the District and District ratepayers. There was additional discussion regarding the nature of this issue including some input from David Levin regarding his calculations on water flows to the treatment plant. Pete added that Mr. Spraitz has been very cooperative to the concerns expressed by the committee.

### **Committee Updates:**

**Invoices and Budget Update:** Pete referred the committee members to the budget spreadsheet and the data contained therein. Pete explained that there were still a few 2019 invoices outstanding and that the budget would be trued up by the next meeting. Kevin asked about what the spreadsheet might look like going forward as it relates to a more concise breakdown of the categories in the spreadsheet. The primary concern was lumping certain items in the "chemical" line item instead of specific items more directly related to the expenses. Pete reiterated the fact that the Budget Office has faced a bit of a dilemma due to there not being a specific category for certain plant expenses but the office was continuing to work on this issue.

There was additional discussion regarding capital expenses and how they are being recorded on the budget spreadsheet, the LID's fund balance, and the ability of the committee to track actual, specific expenditures. Pete assured the committee that despite the challenges of the county instituting a new budget system, things will improve as it relates to tracking the LID's budget and spending.

Kevin brought up an additional issue relative to utility propane and that there appeared to be no propane use at the plant. The concern was with regard to the generator and the need to run the equipment on a regular basis.

**Old/New Business;**

- a. **WWTP operating permit:** Pete provided the committee with an update regarding the ongoing dialogue with Wright Water Engineers in respect to completing an Alternatives Analysis for the LID. Pete noted that Mark has been communicating with Jane Clary of WWE and has shared the various concerns expressed by the committee and its desire to have WWE submit a proposal for an AA. Pete also mentioned that staff will be setting up a phone meeting with WWE to further discuss the issue. Kevin indicated that he had some frustrations about recent interactions with the Colorado Department of Public Health and Environment, and has concerns regarding how issues are being coordinated between divisions at the department. Kevin asked about the prospects of installing a flow gauge at the first bridge. Pete mentioned that various entities including the City of Boulder were in discussions along with Jane Clary and WWE in regards to this opportunity.
- b. **EAS Memorandum of Understanding:** Pete informed the committee that he and Mark had met with the County Attorney's Office to discuss the draft MOU and next steps with moving it forward, coming out of the hiatus that the committee had endorsed back in the fall. Pete mentioned that the LID attorney has requested that committee members review the draft MOU and provide any additional input in order for a final draft be composed and then reviewed with the county commissioners. Kevin expressed a concern that work at the resort was moving along and that EAS had not been presented with the MOU. Pete explained that the County Attorney's Office was soliciting input from the committee after which a final draft will be presented to the county commissioners for their input prior to submission to EAS. **Pete also mentioned that at this point, the document was considered a confidential document and that it not**

Janet Robinson asked why the public has not been allowed to see the document before now. Pete indicated that the draft document needed to be reviewed by the County Attorney's office prior to public release and submission to EAS. Janet asked the LID members where they stood and if they have any say in the document's development and if it would be presented to the LID members. Pete indicated that any decisions regarding public input or participation would reside with the county commissioners. Pete also mentioned that though the MOU will be presented to EAS, EAS is not obligated to accept it.

Janet expressed more concerns regarding the public's right to see the document and to know what is going into the MOU relative to the development at EAS. Ken indicated that most of the items in the MOU have been discussed at ESLAC's meetings and that the discussions were included in the monthly meeting minutes. Janet mentioned that though she appreciates the minutes, due to the delay between the meetings and minutes things might have changed in the interim which the public is not aware of. Pete reiterated the steps in the process for entering into an MOU with EAS, relative to the County Attorney's Office and the Board of County Commissioners.

Pete noted that an analysis has been completed regarding flow issues and the wastewater treatment plant's capacity to handle any additional load. According to the analysis, any additional load created by EAS will be sufficiently handled by the plant. Vija expressed her concern about amending the Rules and Regs, and how any amendments may be applied retroactively. Vija also said that there is a need to define "extraordinary use" especially as it relates to commercial use. Vija expressed concerns with the penalties imposed in the MOU if EAS was in violation. There was general agreement that "extraordinary use" and a non-grandfathering clause were issues that should be seriously considered. Pete indicated that these issues have been discussed with the County Attorney staff, and they will be considered in Rules and Regulations amendments.

Janet expressed concern regarding the capacity of the remodeled resort, the flow produced by maximum use, and the potential impact on the wastewater treatment plant. Pete indicated that the capacity of the ballroom was regulated by the Land Use department and set at approximately 376 persons. Steve Sangdahl expressed a concern with the number produced relative to the ballroom capacity and what it meant. Kevin indicated that the numbers included in the data analysis indicated that the plant will be able to handle the flow as determined by the analysis.

There as a concern regarding the data, its accuracy, and the possible interpretations of the conditions imposed on the remodeling. Janet also mentioned the possibility that the property could be sold and asked about what would happen in that event. It was stated that any regulations, requirements, and restrictions imposed on the project run with the property and not the owner.

David asked a follow up question regarding whether the EQR could be lowered if it was determined that the flow to the plant was lower than expected. David said it was related to the Operations and Maintenance fee. It was determined that the Operations and Maintenance fee could not be lowered.

David's other concern was relative to the flow counters that will be required to monitor flow from the two EAS pump pits; the MOU contemplates commercial grade flow meters, when an inexpensive monitor could be used. It was noted that a more precise flow indicator will provide a more accurate measurement of the flow data and the data itself will be easy to collect and share.

Janet expressed a concern relative to who will be responsible for monitoring the equipment put in place and what will happen if a situation occurred that needed immediate attention. Committee members shared the concern regarding what the penalties will be if EAS is in violation and why more stringent penalties can't be put into the MOU.

There was additional discussion regarding the conditions proposed for inclusion in the MOU.

**Public Comment:**

David expressed concern regarding the payoff of the current LID loan debt and his belief that another loan will be necessary due to the regulatory demands of the state. The group engaged in additional discussion regarding the possible needs of the plant going forward, including regulatory demands, and other miscellaneous plant issues.

There was no additional public comment and the meeting adjourned at 8:40 p.m.